

To: Smith, Bonnie[smith.bonnie@epa.gov]
From: White, Terri-A
Sent: Thur 1/23/2014 10:38:46 PM
Subject: Fw: dominion post

Fyi

From: Jones, Enesta
Sent: Thursday, January 23, 2014 5:21:53 PM
To: White, Terri-A; duteau, helen
Cc: Behringer, Caroline; Thomas, Latosha; Cohen, Nancy; Jones, Enesta
Subject: Re: dominion post

Thanks, Terri.

Please let us know in the future so there is no duplication of effort. And we will do the same. I think saying, "We will handle" as soon as inquiry is sent would be the best approach.

From: White, Terri-A
Sent: Thursday, January 23, 2014 5:19:31 PM
To: duteau, helen; Jones, Enesta
Subject: Fw: dominion post

I had already responded.

From: David Beard <Ex. 6 - Personal Privacy>
Sent: Thursday, January 23, 2014 4:47:26 PM
To: White, Terri-A
Subject: Re:

Terri,

Thanks. This clarifies a question floating around here.

David Beard
The Dominion Post
Morgantown, WV
304-290-4464 cell
304-291-9436 office

On Jan 23, 2014 4:21 PM, "White, Terri-A" <White.Terri-A@epa.gov> wrote:

David,

This answers your question about Freedom Industries' storage of the chemical MCHM.

With respect to prevention and preparedness in advance of a spill or release, EPA has statutory regulatory authority for oil storage facilities under the Clean Water Act (Spill Prevention, Control, and Countermeasure Program – SPCC, which pertains to oil spills but currently does not cover spills of hazardous substances) and for chemicals under the Clean Air Act (Risk Management Program – RMP – to address methods to minimize and respond to releases).

The Freedom Industries facility in West Virginia is not regulated under the EPA's RMP since it is not on the list of hazardous substances and the SPCC does not apply to the tanks that released MCHM since that is not an oil. Also, the facility does not fall under EPA's Resource Conservation and Recovery Act (RCRA) program because the material leaked is a "product" and not a "solid waste" or hazardous waste that would require a permit and storage and management requirements, as defined under RCRA Subtitle C. However, from a response perspective, RCRA is being examined for applicability.